



FEDERAL ELECTION COMMISSION

Washington, DC 20463

February 8, 2002

**VIA FACSIMILE (202) 434-1690**

Brian G. Svoboda, Esq.  
Perkins Coie, LLP  
607 Fourteenth Street, N.W.  
Washington, D.C. 20005-2011

RE: MUR 4643  
Democratic Party of New Mexico—  
Federal and Judy Baker, as  
Treasurer  
Democratic Party of New Mexico—  
Non-Federal (State) and Judy  
Baker, as Treasurer

Dear Mr. Svoboda:

On January 29, 2002, you received the General Counsel's Brief. In response to your correspondence dated February 7, 2002 (and your letter of same date faxed and received this morning), we have contacted the court reporters and have informed them of your request to purchase copies of the deposition transcripts of persons described in your correspondence. We note some confusion about your statement that you are unaware of whether other depositions were taken, as Marc Elias from your firm represented Earl Potter at his deposition. In any event, under the particular circumstances involved you may purchase copies of transcripts for the deposition of Randy Dukes and Earl Potter from Ms. Ro Wilson of Miller Reporting at (202) 546-6666, and may purchase copies of transcripts for the depositions of Tom Carroll, Luisa Lindsey, John Pound, and Eric Serna from Sandra Silva of Russin Reporting at (505) 843-7789. Please note that you are being granted access to these materials for the sole purpose of preparing your client's response to the General Counsel's Brief. These materials are subject to 2 U.S.C. § 437g(a)(12).

You also requested an extension of time to respond to the General Counsel's Brief. I phoned you yesterday upon receiving your first correspondence and informed you that this

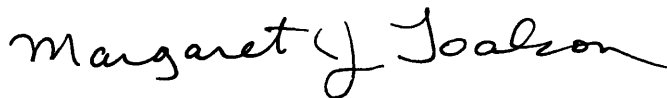
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Office was prepared to grant an extension with a tolling agreement. You refused to accept a tolling agreement with the extension (and confirmed this position in your second letter), therefore, this Office continues to consider the deadline for your response to be at the close of business on February 13, 2002.

Additionally, as a professional courtesy, this Office would like to point out that some members of the Commission have made statements regarding express advocacy and coordination in their "Statement of Reasons" to some matters (*see* FEC website: [www.fec.gov](http://www.fec.gov) for specific Commissioner's statements). Although no court has required express advocacy as an element of coordination, this Office views the context and facts comprising this matter as meeting the definition of express advocacy pursuant to 11 C.F.R. § 100.22(a).

Please contact me with any questions at (202) 694-1650.

Sincerely,



Margaret J. Toalson  
Attorney

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